

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

BRIAN HUDDLESTON,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION  
and UNITED STATES DEPARTMENT OF  
JUSTICE,

Defendants.

CIVIL ACTION No. 4:20CV447

JUDGE AMOS MAZZANT

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**DEFENDANTS' RESPONSE TO PLAINTIFF'S SUPPLEMENTAL MOTION  
FOR INTERIM PAYMENT OF COSTS AND ATTORNEY FEES**

Defendants Federal Bureau of Investigation ("FBI") and United States Department of Justice ("DOJ") file this response in opposition to Plaintiff's Supplemental Motion for Interim Payment of Costs and Attorney Fees (the "Supplemental Motion"). ECF 165.

Defendants' position regarding interim fees has not changed since the parties previously briefed the issue, and Defendants incorporate and rely on their previously filed Response and Sur-Reply regarding Plaintiff's Motion for Interim Payment of Costs and Attorney's Fees, ECF 59, 66, their Response to Plaintiff's Supplemental Motion for Interim Payment of Costs and Attorney Fees, ECF 103, and their Response and Sur-Reply to Plaintiff's Supplemental Motion for Interim Payment of Costs and Attorney's Fees, ECF 145, 147. The Supplemental Motion does not raise any new legal arguments. Instead, it incorporates his prior requests. ECF 165 at 1. As previously argued, interim fees are disfavored in all but the most exceptional circumstances because litigating fees is burdensome and inefficient, and it delays resolution on the merits. *See, Allen v. FBI*, 716

F.Supp. 667, 667–72 (D.D.C. 1989); *Biberman v. FBI*, 496 F.Supp. 263, 265 (S.D.N.Y. 1980). As before, Plaintiff has failed to establish exceptional circumstances that warrant consideration of interim fees, and his motion should be denied.

As previously argued, should the Court be inclined to grant interim fees, Defendants would request additional time to address the substantive merits of Plaintiff’s fee demand. Plaintiff has not established exceptional circumstances that warrant the consideration of interim fees, and his motion should be denied.

Respectfully submitted,

DAMIEN M. DIGGS  
UNITED STATES ATTORNEY

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**COUNSEL FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I hereby certify that on July 29, 2024, a true and correct copy of the foregoing document was filed electronically with the court and has been sent to counsel of record via the court's electronic filing system.

/s/ James Gillingham  
JAMES GILLINGHAM  
Assistant United States Attorney